

# OLMSTEAD ADVISORY COMMITTEE LEGISLATION WATCH LIST

2013-14 Legislative Session

*Updated October 2013*

The California Health and Human Services Agency (CHHS) compiles and updates a Legislation Watch List related to Olmstead implementation activities. The list is developed based on Olmstead Advisory Committee input.

Committee members are asked to submit information on bills that have a substantial impact on Olmstead implementation—whether advancing or impeding implementation—that should be included on the list.

The following Legislation Watch List helps to flag bills for the Secretary of CHHS as well as guide discussion at Committee meetings.

## STATE LEGISLATION:

### ASSEMBLY BILLS

<b>AB 82:</b>	<b>Committee on Budget</b>
<b>STATUS:</b>	6/27/2013 – Chaptered by Secretary of State – Chapter 23, Statutes of 2013
<b>BRIEF SUMMARY:</b>	<b>Health.</b> Would revise the conditions under which a county may implement medical release or medical probation provisions for a prisoner by requiring the county to notify the State Department of Health Care Services when a released prisoner has applied for Medi-Cal or is returned to custody and to also pay the nonfederal share of certain nonreimbursable medical costs paid by the state, and state administrative costs, as specified. The bill would specify the Legislature's intent that implementation of these provisions would not result in increased costs to the General Fund and should not jeopardize federal financial participation for the Medi-Cal program. This bill contains other related provisions and other existing laws.
<b>AB 241:</b>	<b>Ammiano (D)</b>
<b>STATUS:</b>	9/26/2013 – Chaptered by Secretary of State – Chapter 374, Statutes of 2013
<b>BRIEF SUMMARY:</b>	<b>Domestic work employees: labor standards.</b> Would enact the Domestic Worker Bill of Rights to specially regulate the wages, hours, and working conditions of certain domestic work employees. The bill would define various terms for the purposes of the act, including defining domestic work to mean services related to the care of persons in private households or maintenance of private households or their premises, which would include childcare providers, caregivers of people with disabilities, sick, convalescing, or elderly persons, house cleaners, housekeepers, maids, and other household occupations. The bill would provide an overtime compensation rate for those domestic work employees, with specified exceptions. This bill contains other related provisions and other existing laws.

<b>AB 247:</b>	<b>Wagner (R)</b>
<b>STATUS:</b>	10/9/2013 – Chaptered by Secretary of State – Chapter 670, Statutes of 2013.
<b>BRIEF SUMMARY:</b>	<b>Personal income taxes: voluntary contribution: California Fund for Senior Citizens.</b> Under the Personal Income Tax Law, taxpayers are allowed to contribute amounts in excess of their tax liability for the support of the California Fund for Senior Citizens until the year in which the minimum contribution is not received, or January 1, 2015, whichever occurs first. This bill would extend the date of January 1, 2015, to January 1, 2020.

<b>AB 322:</b>	<b>Yamada (D)</b>
<b>STATUS:</b>	In committee: Set, second hearing. Held under submission.
<b>BRIEF SUMMARY:</b>	<b>Home Care Services Act of 2013.</b> Would enact the Home Care Services Act of 2013 and would provide for the licensure and regulation of home care organizations, as defined, by the State Department of Social Services. The bill would establish home care organizations as being recognized in the health care industry. The bill would prohibit, after January 1, 2016, an individual or entity from arranging for the provision of home care services, as defined, by a home care aide without first obtaining a license and would authorize a district attorney, the Attorney General, or the department to impose a civil penalty on an individual or entity that operates a home care organization without a license. The bill would also impose various licensure requirements on a home care organization. This bill contains other related provisions.

<b>AB 394:</b>	<b>Yamada (D)</b>
<b>STATUS:</b>	10/9/2013 – Chaptered by Secretary of State – Chapter 671, Statutes of 2013
<b>BRIEF SUMMARY:</b>	<b>Personal income tax: voluntary contributions: Alzheimer's disease.</b> The Personal Income Tax Law allows taxpayers, until January 1, 2015, to contribute amounts in excess of their tax liability for the support of the California Alzheimer's Disease and Related Disorders Research Fund, unless earlier repealed for failure to meet annual minimum contribution amounts. This bill would 2015, to make these provisions effective for taxable years beginning before January 1, 2020.

<b>AB 518:</b>	<b>Yamada (D)</b>
<b>STATUS:</b>	7/12/2013 – Failed Deadline pursuant to Rule 61(a)(10)(SEN)
<b>BRIEF SUMMARY:</b>	<b>Community-based adult services: adult day health care centers.</b> Would require an adult day health care center licensed pursuant to the California Adult Day Health Care Act to comply with specified staffing requirements, maintain policies and procedures for providing supportive health care services to participants, and conduct and document training, as prescribed. This bill contains other related provisions and other existing laws.

<b>AB 776:</b>	<b>Yamada (D)</b>
<b>STATUS:</b>	9/9/2013 – Chaptered by Secretary of State – Chapter 298, Statutes of 2013
<b>BRIEF SUMMARY:</b>	<b>Medi-Cal.</b> Current law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. This bill would additionally define the term "stakeholder" to include area agencies on aging and independent living centers. The bill would also make related conforming changes. This bill contains other current laws.

<b>AB 900:</b>	<b>Alejo (D)</b>
<b>STATUS:</b>	8/30/2013 – In committee: Held under submission

<b>BRIEF SUMMARY:</b>	<b>Medi-Cal: reimbursement: distinct part nursing facilities.</b> Current law requires, except as otherwise provided, Medi-Cal provider payments to be reduced by 1% or 5%, and provider payments for specified non-Medi-Cal programs to be reduced by 1%, for dates of service on and after March 1, 2009, and until June 1, 2011. Current law requires, except as otherwise provided, Medi-Cal provider payments and payments for specified non-Medi-Cal programs to be reduced by 10% for dates of service on and after June 1, 2011. This bill would instead require that this payment reduction not apply to skilled nursing facilities that are a distinct part of a general acute care hospital, for dates of service on or after July 1, 2013, subject to necessary federal approvals. This bill contains other related provisions.
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<b>AB 1041:</b>	<b>Chesbro (D)</b>
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<b>STATUS:</b>	10/9/2013 – Chaptered by Secretary of State – Chapter 677, Statutes of 2013
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<b>BRIEF SUMMARY:</b>	<b>Developmental services: Employment First Policy.</b> Under the Lanterman Developmental Disabilities Services Act, services and supports to be provided to a regional center consumer are contained in an individual program plan (IPP), developed in accordance with prescribed requirements. This bill would define competitive employment, microenterprises, and self-employment for these purposes. This bill would require each regional center planning team, when developing an individual program plan for a transition age youth or working age adult, to consider a specified Employment First Policy. The bill would authorize the State Department of Developmental Services to request information from regional centers on current and planned activities related to the Employment First Policy. This bill contains other existing laws.
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<b>AB 1208:</b>	<b>Pan (D)</b>
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<b>STATUS:</b>	10/11/2013 – Vetoed by the Governor
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<b>BRIEF SUMMARY:</b>	<b>Medical homes.</b> Would establish the Patient Centered Medical Home Act of 2013 and would define a "medical home" and a "patient centered medical home" for purposes of the act to refer to a health care delivery model in which a patient establishes an ongoing relationship with a licensed health care provider, as specified. The bill would specify that it does not change the scope of practice of health care providers.
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<b>GOVERNOR'S MESSAGE:</b>	I am returning Assembly Bill 1208 without my signature. AB 1208 would mandate that the single, standardized application for health insurance affordability programs include questions related to race, ethnicity, primary language, disability status, sexual orientation, gender identity and expression, so that applicants can voluntarily report this information beginning in 2015. We don't need to mandate these requirements in law. The Department of Health Care Services and Covered California already have the authority to modify these types of questions on the form, and they can work constructively with stakeholders to decide what is necessary to change for 2015 and beyond. Sincerely, Edmund G. Brown Jr.
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<b>AB 1217:</b>	<b>Lowenthal (D)</b>
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<b>STATUS:</b>	10/13/2013 – Chaptered by Secretary of State – Chapter 790, Statutes of 2013
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<b>BRIEF SUMMARY:</b>	<b>Home Care Services Consumer Protection Act of 2013.</b> Would enact the Home Care Services Consumer Protection Act of 2013, which would provide, on and after July 1, 2014, for the licensure and regulation of home care organizations, as defined, by the State Department of Social Services, and the certification of home care aides. The bill would exclude specified entities from the definition of a home care organization. The bill would impose various licensure requirements on a home care organization. The bill would also impose a civil penalty on an individual or entity that operates a home care organization without a license, except as specified. This bill contains other related
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	provisions and other existing laws.
<b>GOVERNOR'S MESSAGE:</b>	To the Members of the California State Assembly: Assembly Bill 1217 would create a regulatory framework for the private homecare industry and home care aides. Last year, I vetoed a more expansive bill, because I did not think that the time was right to create costly new regulatory burdens, given the economic uncertainty for many businesses and families in the homecare world. I am signing AB 1217 because it strikes a better balance between consumer protection and industry regulation, and because the author's office and legislative leadership have committed to delay the bill's effective date by one year to January 1, 2016. The delay, coupled with other clarifying changes, will give the Department of Social Services enough time to accomplish what the bill seeks to achieve, and ultimately provide for smoother implementation of these good consumer protections. Sincerely, Edmund Brown Jr.

<b>AB 1232:</b>	<b>V. Manuel Pérez (D)</b>
<b>STATUS:</b>	10/9/2013 – Chaptered by Secretary of State – Chapter 679, Statutes of 2013
<b>BRIEF SUMMARY:</b>	<b>Developmental services: quality assessment system.</b> The State Department of Developmental Services is required to contract with an independent agency or organization that is, in part, experienced in designing valid quality assurance instruments, to implement the system. This bill would require the quality assurance instrument to assess the provision of services in a linguistically and culturally competent manner and include an outcome-based measure on issues of equity and diversity. This bill would require the independent agency or organization the department contracts with to be experienced in issues relating to linguistic and cultural competency.

<b>ABx1 1</b>	<b>John A. Pérez (D)</b>
<b>STATUS:</b>	6/27/2013 – Chaptered by Secretary of State – Chapter 3, Statutes of 2013-2014 First Extraordinary Session
<b>BRIEF SUMMARY:</b>	<b>Medi-Cal: eligibility.</b> Would, commencing January 1, 2014, implement various provisions of the federal Patient Protection and Affordable Care Act (Affordable Care Act), as amended, by, among other things, modifying provisions relating to determining eligibility for certain groups. The bill would, in this regard, extend Medi-Cal eligibility to specified adults and would require that income eligibility be determined based on modified adjusted gross income (MAGI), as prescribed. The bill would prohibit the use of an asset or resources test for individuals whose financial eligibility for Medi-Cal is determined based on the application of MAGI. This bill contains other related provisions and other existing laws.

## SENATE BILLS

<b>SB 82:</b>	<b>Committee on Budget and Fiscal Review</b>
<b>STATUS:</b>	6/27/2013 – Chaptered by Secretary of State – Chapter 34, Statutes of 2013
<b>BRIEF SUMMARY:</b>	<b>Investment in Mental Health Wellness Act of 2013.</b> This bill would establish the Investment in Mental Health Wellness Act of 2013. The bill would provide that funds appropriated by the Legislature to the authority for the purposes of the act be made available to selected counties or counties acting jointly, except as otherwise provided, and used to increase capacity for client assistance and services in crisis intervention, crisis stabilization, crisis residential treatment, rehabilitative mental health services, and mobile crisis support teams. The bill would provide that funds appropriated by the Legislature to the commission for the purposes of the act be allocated to selected counties, counties acting jointly, or city mental health departments, as determined by the Mental Health Services Oversight and Accountability Commission through a selection

	process, for triage personnel to provide intensive case management and linkage to services for individuals with mental health disorders.
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<b>SB 126:</b>	<b>Steinberg (D)</b>
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<b>STATUS:</b>	10/9/2013 – Chaptered by Secretary of State – Chapter 680, Statutes of 2013
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<b>BRIEF SUMMARY:</b>	<b>Health care coverage: pervasive developmental disorder or autism.</b> Current law requires health care service plan contracts and health insurance policies to provide benefits for specified conditions, including coverage for behavioral health treatment, as defined, for pervasive developmental disorder or autism, except as specified. A willful violation of these provisions with respect to health care service plans is a crime. These provisions are inoperative on July 1, 2014, and are repealed on January 1, 2015. This bill would extend the operation of these provisions until January 1, 2017. By extending the operation of provisions establishing crimes, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.
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<b>SB 163:</b>	<b>Hueso (D)</b>
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<b>STATUS:</b>	5/24/2013 – Failed Deadline pursuant to Rule 61(a)(5)
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<b>BRIEF SUMMARY:</b>	<b>Developmental services: health insurance payments.</b> Would require a regional center to pay any applicable copayment, coinsurance, or deductible imposed by a health insurance policy or health care service plan for a service or support required by a consumer's IPP or IFSP, as specified. This bill would prohibit a regional center from imposing on the consumer or his or her family a share of cost for, or income requirements relating to, those payments, and from seeking reimbursement for those payments. This bill would require the department to establish appropriate application and documentation forms to implement those provisions.
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<b>SB 319:</b>	<b>Price (D)</b>
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<b>STATUS:</b>	5/24/2013 – Failed Deadline pursuant to Rule 61(a)(5)
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<b>BRIEF SUMMARY:</b>	<b>Developmental services: regional centers: data compilation.</b> Would require the State Department of Developmental Services to ensure that the regional centers collect, analyze, and report the specified data using uniform methodology and procedures that allow for comparisons across regional centers. The bill would require each regional center, commencing December 31, 2014, and each December 31 thereafter, to develop and post on its Internet Web site an annual report relating to whether the data indicates specified disparities and, if applicable, the regional center's recommendations and plans to reduce those disparities. This bill contains other related provisions.
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<b>SB 321:</b>	<b>(Price D)</b>
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<b>STATUS:</b>	5/24/2013 – Failed Deadline pursuant to Rule 61(a)(5)
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<b>BRIEF SUMMARY:</b>	<b>Developmental services: regional centers: performance contracts.</b> Current law requires the state to enter into 5-year contracts with the regional centers that provide services and supports to individuals with developmental disabilities, subject to the annual appropriation of funds by the Legislature, and requires that the contracts include annual performance objectives, as specified. This bill would, in this regard, require the State Department of Developmental Services to establish performance contract guidelines and measures relating to issues of cultural and linguistic competency.
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<b>SB 364:</b>	<b>Steinberg (D)</b>
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<b>STATUS:</b>	10/4/2013 – Chaptered Secretary of State – Chapter No. 567, Statutes of 2013
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<b>BRIEF SUMMARY:</b>	<b>Mental health.</b> Would state the intent of the Legislature to provide consistent standards for protection of the personal rights of persons who are subject to involuntary detention and to provide services in the least restrictive setting appropriate to the needs of the person, as well as making technical changes. This bill contains other related provisions and other existing laws.
<b>SB 391:</b>	<b>DeSaulnier (D)</b>
<b>STATUS:</b>	<b>8/30/2013 – Set, first hearing, referred to Appropriations Suspense File. Hearing postponed by committee</b>
<b>BRIEF SUMMARY:</b>	<b>California Homes and Jobs Act of 2013.</b> Would enact the California Homes and Jobs Act of 2013. The bill would make legislative findings and declarations relating to the need for establishing permanent, ongoing sources of funding dedicated to affordable housing development. The bill would impose a fee, except as provided, of \$75 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded. By imposing new duties on counties with respect to the imposition of the recording fee, the bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.
<b>SB 468:</b>	<b>Emmerson (R)</b>
<b>STATUS:</b>	10/9/2013 – Chaptered by Secretary of State – Chapter 683, Statutes of 2013
<b>BRIEF SUMMARY:</b>	<b>Developmental services: statewide Self-Determination Program.</b> Would require the State Department of Developmental Services, contingent upon approval of federal funding, to establish and implement a state Self-Determination Program, as defined, that would be available in every regional center catchment area to provide participants and their families, within an individual budget amount, increased flexibility and choice, and greater control over decisions, resources, and needed and desired services and supports to implement their IPP, in accordance with prescribed requirements. The bill would require the department to, among other things, apply for federal funding for the program by December 31, 2014. This bill contains other related provisions.
<b>SB 550</b>	<b>Jackson (D)</b>
<b>STATUS:</b>	5/24/2013 – Failed Deadline pursuant to Rule 61(a)(5)
<b>BRIEF SUMMARY:</b>	<b>Accessible housing.</b> Would require, as part of the next intervening code adoption cycle of the California Building Standards Code adopted after December 1, 2013, that the Division of the State Architect, in consultation with the Department of Housing and Community Development, propose, and that the Building Standards Commission adopt, building standards requiring public housing facilities to provide a specified number of residential dwelling units that have compliant mobility and communications features that make them accessible for persons with disabilities, and that clarify the definition of "public housing," as specified. This bill contains other related provisions.
<b>SB 555:</b>	<b>Correa (D)</b>
<b>STATUS:</b>	10/9/2013 – Chaptered by Secretary of State – Chapter 685, Statutes of 2013
<b>BRIEF SUMMARY:</b>	<b>Developmental services: regional centers: individual program plans and individualized family service plans.</b> Would require a regional center to make every reasonable effort to communicate in the family's native language during the IFSP planning process and to provide a copy of the IFSP in the family's native language. The bill would require the family's native language to be documented in the IFSP. The bill would similarly require a regional center to make every reasonable effort to communicate in the consumer's native language, or, when appropriate, the native language of his or

her family, legal guardian, conservator, or authorized representative, during the IPP planning process and to provide a copy of the IPP in the native language of the consumer or his or her family, legal guardian, conservator, or authorized representative, or both. This bill contains other related provisions and other existing laws.

**SB 577:** Pavley (D)

**STATUS:** 5/24/2013 – Failed deadline pursuant to Rule 61(a)(5)

**BRIEF SUMMARY:** **Autism and other developmental disabilities: pilot program: employment.** Would require a job exploration and discovery plan, as specified, to be developed if job exploration and discovery services are determined to be a necessary step to achieve a supported employment outcome. The bill would establish an hourly rate for job exploration and discovery services of \$40 per hour for a maximum of 75 hours per calendar quarter for all services identified and provided in the plan. This bill contains other related provisions.

**SB 585:** Steinberg (D)

**STATUS:** 9/9/2013 – Chaptered by Secretary of State – Chapter 288, Statutes of 2013

**BRIEF SUMMARY:** **Mental health: Mental Health Services Fund.** Would clarify that services provided under Laura's Law may be provided pursuant to the procedures specified in the Mental Health Services Act, thereby making an appropriation. This bill contains other related provisions and other existing laws.

**SB 651:** Pavley (D)

**STATUS:** 10/10/2013 – Chaptered by Secretary of State – Chapter 724, Statutes of 2013

**BRIEF SUMMARY:** **Developmental centers and state hospitals.** Would require designated investigators of developmental centers and state hospitals to request a sexual assault forensic medical examination for any resident of a developmental center or any resident of a state hospital, as applicable, who is a victim or is reasonably suspected to be a victim of sexual assault, as defined, performed at an appropriate facility off the grounds of the developmental center or state hospital in accordance with specified provisions. This bill contains other related provisions and other existing laws.